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Robert Kagermeier

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Brinks Hofer
Gilson & Lione
Suite 3600
455 No Cityfront Plaze Drive
Chicago, IL 60611-5599

EXAMINER

NGUYEN, NAM V

ART UNIT

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2612

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,197	Applicant(s) KAGERMEIER ET AL.	
	Examiner Nam V. Nguyen	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This communication is in response to applicant's Amendment which is filed May 27, 2009.

An amendment to the claims 1, 6 and 12 has been entered and made of record in the application of Kagermeier et al. for a "radio operating system and method for operating a radio system" filed February 9, 2006.

A new claim 25 is introduced.

Claims 1-25 are now pending in the application.

Response to Arguments

In view of applicant's amendment to amend the claims 6 and 12 to obviate the 35 U.S.C. §112 second paragraph rejections, therefore, examiner has withdrawn the rejection under 35 U.S.C §112, second paragraph.

In view of applicant's arguments with respect to the drawing of Figure 1, the examiner has withdrawn the drawings objections. However, applicant is reminded that in accordance with 37 CFR 1.83 (a), conventional features should be illustrated as a labeled rectangular box and item 2, 4, and 7-10 fits this category. Furthermore, words in Drawings in the case of electric

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circuits and block schematic, a few short catchwords indispensable for understanding (see PCT 11.11 (a)).

Applicant's arguments to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C § 103(a) as discussed below. Applicant's amendment and argument with respect to the pending claims 1-24, filed May 27, 2009, have been fully considered but they are not persuasive for at least the following reasons.

On page 8, second paragraph, Applicant's arguments with respect to the invention in Davies to add additional "command sets" is hindsight is not persuasive.

As defined by claims 1 and 6, the method and an apparatus of Davies et al. includes a user control input 310 also includes a radio frequency system 350. The radio frequency system uses radio waves to send signals between devices. Thus, a device using a radio frequency system may send signals at a far greater distance than signals sent by an infrared system and is not limited to line of sight. The user control input 310 uses the radio frequency system 350 to send at least one signal to the target device when the remote controller 300 is not within the target device feedback range. A toggling mechanism 360 located on the remote controller 300 switches between the infrared system 340 and the radio frequency system 350. The toggling mechanism 360 that is used to switch from the infrared system 340 to the radio frequency system 350 and vice versa is controlled by the detector 320. The detector 320 determines whether the remote controller 310 is within the target device feedback range and activates the toggling mechanism

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360 as necessary. In alternative embodiments, the user control input may only comprise an infrared system or may only comprise a radio frequency system (column 2 line 56 to column 3 line 6; see Figure 3). Clearly, Devies et al. disclose two separate operating modes which are depending on the parameter defined by the detector and each of the two separate operating modes using different types of signals.

In the same field of endeavor of remote control system, Rodriguez et al. teach a method for providing television functionality includes defining a time period, associating a user preference with the time period, providing a first result in accordance with the user preference if a request for television functionality is received during the defined time period, and providing a second result if the request for the television functionality is received outside the defined time period (see Abstract; column 7 lines 26 to 67). A user input may be provided via the activation of a designated remote control key such as, for example, the guide key 480. After the routine 2100 is initiated in step 2101, the routine 2100 determines in step 2102 whether an Interactive Program Guide (IPG) application 370 is authorized to adapt to user preferences. If the IPG application 370 is not authorized to adapt to user preferences, then the IPG application 370 provides the user with an IPG having default characteristics as indicated in step 2103, and the routine 2100 terminates as indicated in step 2106. However, if the IPG application 370 is authorized to adapt to user preferences, then the IPG application 370 provides the user with an IPG that is adapted to user preferences, as indicated in step 2105, and the routine 2100 terminates as indicated in step 2106. The IPG application 370 may use a preference look-up table 392 to obtain a specification for the subset of service instance information in IPG database 375 that is enabled for access and display for the current time period in accordance with user preferences.

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When user input causes IPG application 370 to display IPG data corresponding to time periods other than the current time period, IPG application 370 displays information for those other time periods according to the limits in their respective specification in a preference lookup table 392 (see Figures 3 and 21). Clearly, Rodriguez teaches the operating unit is usable in an authorization to adapt to user preferences or viewer specifications that available for current time period. The command set to provide IPG that meets specifications for current time period (i.e. safety-critical command set) and provide IPG having default characteristics (i.e. non- non-safety-critical command set). In other words, Rodriguez et al. disclose two separate operating command sets which are depending on the parameter of viewer specifications available.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using the remote control system with plurality of functional commands sets operate depend on the mode selection of the remote control system which taught by Rodriguez et al. in the adaptive remote control system with detector to configure the operational process to transmit the type of control signals depend on the feedback range of Davies et al. because having the remote control system with plurality of functional command sets operate depend on the mode selection of the remote control system would increase functionality of the remote controller in the remote control system. Therefore, this does not constitute hindsight. *In re McLaughlin*, 443, F.2d 1392; 170 USPQ 209 (CCPA 1971).

On page 9, last paragraph, Applicant's arguments with respect to the invention in Rodriguez does not disclose claim 2 (i.e. wherein actuation of a confirmation input device, enables the safety-critical command set) is not persuasive. The claims in a pending application

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should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974).

As defined by the claim 2, Rodriguez et al. disclose a non-limiting example of a remote control device 400 that may be used to provide user input to the DHCT 200. A function of the "A" key (471) varies depending on the screen being presented to a user at the time of the key's activation. For example, the "A" key (471) can be used to confirm a selection (i.e. a confirmation input device) (column 12 lines 8 to 38; see Figure 4). Television channel type menu 810 includes a broadcast option 820, a sports option 830, and an adult option 840. The channel type options 820, 830, and 840 may be used to determine the television service listings in an initial IPG screen. A channel type option that is selected from the television channel type menu is added to an active selection list 850. After the user completes the selection process, the user can provide additional input via the remote control 400 confirming his selections. Such input may be provided via, for example, the "A" key (471) (column 15 lines 1 to 17; see Figure 4). The "A" key (471) can be used to access a browse-by list for requesting an IPG screen that contains a subset of television instances falling under a user selected browse-by category such as, for example, comedy, drama, action/adventure, sports, etc., as typically provisioned by service instance information stored in IPG database (375) (column 13 lines 56 to 66). Clearly, Rodriguez et al. disclose a confirmation input key to confirm the command set to activate the DHCT 200. In other words, the confirmation input key to confirm the command set to enables the safety-critical command set.

The examiner maintains that the references cited and applied in the last office actions for the rejection of the claims 1-24 are maintained in this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Davies et al. (US# 6,753,790 B2).

Referring to claim 25, Davies et al. disclose a remote control system (i.e. a radio operating system) (column 1 lines 53 to 62; see Figures 1-5), comprising:

a radio receiver (not shown) (i.e. a radio base station unit) for configured to control a target device (120) (i.e. a device) (column 2 lines 25 to 32; see Figure 1); and

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a remote controller (100) (i.e. an operating unit) in communication with the radio receiver of a target device (120) (i.e. the radio base station unit of the device) (column 2 lines 55 to 32; column 4 lines 35 to 44; see Figures 1 to 4) and user control input (210) (i.e. enable key) (column 2 lines 33 to 35; see Figure 2);

wherein a selection is provided between a plurality of operating system (i.e. a plurality of operating modes) of the remote controller (100) (i.e. the operating unit), the selection corresponding to a range (i.e. a value of a reception parameter) with respect to a feedback range (i.e. a threshold value) (column 4 lines 16 to 22; see Figure 5);

when the feedback range value that detected by the detector (220) (i.e. the reception parameter value) is less than the threshold value, the remote controller operates in IR mode process (i.e. a safety-oriented operating mode is selected) and if the feedback range value that detected by the detector (220) (i.e. the reception parameter) is greater than the threshold value the remote controller operates in RF mode process (i.e. a standard operating mode is selected) (column 4 lines 17 to 44; see Figure 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1-2, 4, 6-9, 13, 16, 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (US# 6,753,790 B2) in view of Rodriguez et al. (US# 7,120,922 B2).

Referring to claim 1, Davies et al. disclose a remote control system (i.e. a radio operating system) (column 1 lines 53 to 62; see Figures 1-5), comprising:

a radio receiver (not shown) (i.e. a radio base station unit) for configured to control a target device (120) (i.e. a device) (column 2 lines 25 to 32; see Figure 1); and

a remote controller (100) (i.e. an operating unit) in communication with the radio receiver of a target device (120) (i.e. the radio base station unit of the device) (column 2 lines 55 to 32; column 4 lines 35 to 44; see Figures 1 to 4);

wherein a selection is provided between a plurality of operating system (i.e. a plurality of operating modes) of the remote controller (100) (i.e. the operating unit), the selection corresponding to a range (i.e. a value of a reception parameter) with respect to a feedback range (i.e. a threshold value) (column 4 lines 16 to 22; see Figure 5);

when the feedback range value that detected by the detector (220) (i.e. the reception parameter value) is less than the threshold value, the remote controller operates in IR mode process (i.e. a safety-oriented operating mode is selected) and if the feedback range value that detected by the detector (220) (i.e. the reception parameter) is greater than the threshold value the remote controller operates in RF mode process (i.e. a standard operating mode is selected) (column 4 lines 17 to 44; see Figure 5).

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However, Davies et al. did not explicitly disclose a first, non-safety-critical command set, activatable by means of the operating is usable in each of the operating modes; a second, safety-critical command set, activatable by means of the operating is usable in the safety-oriented operating mode, when the second command set has is enable.

In the same field of endeavor of remote control system, Rodriguez et al. teach a set of functionality command not in channel type of based on pre-selected types of channels (i.e. a first, non-safety-critical command set), activatable by means of a home digital terminal (or a television) (i.e. the operating unit) is usable in standard mode or parental control mode (i.e. in each of the operating modes) (column 19 line 60 to column 20 lines 46; an another set of functionality command in channel type of based on pre-selected types of channels such as parental control channel (i.e. a second, safety-critical command set), activatable by means of the operating unit is usable in the parental control mode (i.e. the safety-oriented operating mode), when the valid password command is entered (i.e. the second command set has is enable) (column 20 lines 47 to column 65; see Figures 23 to 27) in order to control the functional command in the way the user's intent.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using the remote control system with plurality of functional commands operate depend on the mode selection of the remote control system which taught by Rodriguez et al. in the adaptive remote control system with detector to configure the operational process depend on the feedback range of Davies et al. because having the remote control system with plurality of functional commands operate depend on the mode selection of the remote control

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system would increase functionality to configure depend on the remote controller of the remote control system.

Referring to claim 6, Davies et al. in view of Rodriguez et al. disclose a method for operating a radio system having at least two units, to the extent as claimed with respect to claim 1 above, and Davies discloses the detector (220) of a remote controller (200 or 300) configures to sense the tags from the transmitted infrared signal (i.e. measuring the transmission quality) and determines the distance (i.e. reception parameter) between the first and second units. From the sensed information, the detector (220) determines if the remote controller is within the target device feedback range (column 2 lines 33 to 43; column 3 lines 7 to 30; see Figures 1 to 3). Furthermore, the detectors (220) also measures the audible hearing distance (i.e. measuring the transmission quality) between the remote controller and the target device, from this measuring audible hearing distance to determine the feedback range (i.e. reception parameter) if the remote controller (200) is within the target device as an alternative way of using the detector (220) measures the transmission quality (column 3 lines 31 to 37).

Referring to Claims 2 and 7, Davies et al. in view of Rodriguez et al. disclose the method and the radio operating system as in claims 1 and 6, Rodriguez et al. disclose wherein actuation of a select key (420) or a confirm key (A) (471) (i.e. a confirmation input device), enables the safety-critical command set (column 12 lines 20 to 29; see Figure 4 and 28-29).

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Referring to Claims 4 and 19, Davies et al. in view of Rodriguez et al. disclose the method and the radio operating system as in claims 1-2, Davies et al. disclose wherein the operating unit (200) has a user interface (230) is a sound (i.e. an acoustic output device) (column 4 lines 4 to 7; see Figure 2).

Referring to Claims 8-9, Davies et al. in view of Rodriguez et al. disclose the method as in claim 7, Rodriguez et al. disclose wherein actuation of a select key (420) or a confirm key (A) (471) (i.e. a confirmation input device), enables the safety-critical command set in a time period (column 12 lines 20 to 56; see Figure 4 and 28-29).

Referring to Claims 13 and 24, Davies et al. in view of Rodriguez et al. disclose the method as in claims 6-7, Davies et al. disclose wherein the feedback range (i.e. the reception parameter) contains information representing the reception quality of the radio communication between the units (column 2 lines 33 to 43; column 4 lines 16 to 22; see Figure 5).

Referring to Claim 16, Davies et al. in view of Rodriguez et al. disclose the method as in claim 6, Davies et al. disclose wherein the reception parameter includes information representing the range (i.e. the distance) between the remote controller (100) and the target device (120) (i.e. the units) (column 2 lines 33 to 43; column 4 lines 16 to 22; see Figures 1-2).

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3. Claim 3, 14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (US# 6,753,790 B2) in view of Rodriguez et al. (US# 7,120,922 B2) as applied to Claim 1, and in further view of Omata et al. (US# 6,624,758 B1).

Referring to Claims 3 and 18, Davies et al. in view of Rodriguez et al. disclose the radio operating system as in claims 1-2, however, Rodriguez et al. in view of Rodriguez et al. did not explicitly disclose wherein the operating unit has a display device provided for displaying the operating mode.

In the same field of endeavor of remote control system, Omata et al. teach the operating unit (2) has a display device (4) provided for displaying the operating mode (72) (column 10 lines 20 to 43; see Figures 8-14) in order to report to the operator.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using a display in the remote control to display the operational mode taught by Omata et al. in the adaptive remote control system with detector to configure the operational process depend on the feedback range of Davies et al. in view of Rodriguez et al. because having the mode display on the display of the remote control would help the remote operator to know the operational status of the remote control device.

Referring to Claim 14, Davies et al. in view of Rodriguez et al. disclose the method as in claim 13, Omata et al. disclose wherein the reception parameter contains information representing the reception field intensity at the location of one of the units (column 17 lines 42 to

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51; column 24 lines 56 to 67; see Figures 1 and 17) in order to confirm the communication range between the two units in the remote communication system.

Referring to Claim 17, Davies et al. in view of Rodriguez et al. disclose the method as in claim 16, Omata et al. disclose wherein the reception parameter is ascertained by transit time measurement (column 5 lines 33 to 48; column 18 lines 16 to 28; see Figure 2).

4. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (US# 6,753,790 B2) in view of Rodriguez et al. (US# 7,120,922 B2) as applied to Claim 1, and in further view of Bloch et al. (US# 7,054,594 B2).

Referring to Claims 5 and 20, Davies et al. in view of Rodriguez et al. disclose the radio operating system as in claims 1 and 19, however, Rodriguez et al. in view of Rodriguez et al. did not explicitly disclose wherein when the reception parameter is less than a second threshold value the radio connection between the operating unit and the radio base station unit is disabled.

In the same field of endeavor of remote control communication system, Bloch et al. teaches when the range (i.e. the reception parameter) is out of communication range (i.e. a second threshold value) the radio connection (12) between the operating unit (10) and the radio base station unit (20) is disabled (column 5 lines 21 to 47) in order to restrict receive delivery of the user information in a portable device.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize if the device is out of communication range, the device will not able to

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communicate with other portable device taught by Bloch et al. in the adaptive remote control system with detector to configure the operational process depend on the feedback range of Davies et al. in view of Rodriguez et al. because if the device is out of communication range, the device will not able to communicate with other portable device would increase security in a portable communication remote control device.

5. Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (US# 6,753,790 B2) in view of Rodriguez et al. (US# 7,120,922 B2) as applied to Claims 6-7 and in further view of Walter (US# 6,275,141 B1).

Referring to Claims 10 and 21, Davies et al. in view of Rodriguez et al. disclose the radio operating system as in claims 6-7, however, Rodriguez et al. in view of Rodriguez et al. did not explicitly disclose wherein upon switchover from the standard operating mode to the safety-oriented operating mode, an optical report is output.

In the same field of endeavor of remote control system, Walter teaches upon switchover from the standard operating mode to restricted access valet mode (i.e. the safety-oriented operating mode), a LED flashing with different frequency (an optical report) is output (column 10 lines 49 to 58; see Figure 1) in order to alert user.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using a LED flashing to indicate a mode is changed taught by Walter in the adaptive remote control system of Davies et al. in view of Rodriguez et al. because having a

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LED flashing to indicate the mode is changed would alert the user that the mode has been change in the remote control system.

6. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (US# 6,753,790 B2) in view of Rodriguez et al. (US# 7,120,922 B2) as applied to claims 6-7, and in further view of Hoehne (US# 5,957,776).

Referring to Claims 11 and 22, Davies et al. in view of Rodriguez et al. disclose the radio operating system as in claims 6-7, however, Rodriguez et al. in view of Rodriguez et al. did not explicitly disclose wherein when a function associated with the safety-critical command set is chosen in the safety-oriented operating mode, an acoustic signal is output.

In the same field of endeavor of remote control operation system, Hoehne teaches an audible horn (82) beeps every time one of the key is depressed on keypad (58) by a user in an operation mode (column 10 lines 21 to 25; column 10 lines 36 to 44; see Figure 4) in order to alert the correct signal is send to the host control unit.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using the audible horn to beep every time when a keypad is depressed taught by Hoehne in the user control input of the adaptive remote control system of Davies et al. in view of Rodriguez et al. because having the audible horn to beep every time when a key is depressed in the operation mode would alert the user that a functional command is transmitted to the remote control system.

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7. Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (US# 6,753,790 B2) in view of Rodriguez et al. (US# 7,120,922 B2) as applied to claims 6-7, and in further view of Maloney (US# 7,336,174 B1).

Referring to Claims 12 and 23, Davies et al. in view of Rodriguez et al. disclose the radio operating system as in claims 6-7, however, Rodriguez et al. in view of Rodriguez et al. did not explicitly disclose wherein if the radio communication between the parties is disabled because of the transmission quality, an acoustic signal is output.

In the same field of endeavor of remote control operation system, Maloney teaches wherein if the radio communication between the parties is disabled because of the transmission quality, an acoustic signal is output (column 4 lines 22 to 36) in order to alert user that the communication is moved out of range of the reader.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize to alert user with sound when the object is moved out range of the reader taught by Maloney in the user control input of the adaptive remote control system of Davies et al. in view of Rodriguez et al. because using a sound to alert user that the communication between reader and objects are weak would alert the user that the communication is out of range for communication in the remote control system.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies et al. (US# 6,753,790 B2) in view of Rodriguez et al. (US# 7,120,922 B2) as applied to Claim 13, and in further view of Serfaty et al. (US# 5,722,046).

Referring to Claim 15, Davies et al. in view of Rodriguez et al. disclose the radio operating system as in claim 13, however, Rodriguez et al. in view of Rodriguez et al. did not explicitly disclose wherein the reception parameter includes information the bit error rate of the radio communication between the units.

In the same field of endeavor of remote control operation system, Serfaty et al. teaches a reception parameter includes information the bit error rate of the radio communication between transmitter (10) and a receiver (11) (column 6 lines 64 to 67; column 7 lines 17 to 63; see Figures 5-7) in order to determine power modes of the receiver to save battery power.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize using the bit error rate of the radio communication between the transmitter and the receiver taught by Serfaty et al. in the adaptive remote control system of Davies et al. in view of Rodriguez et al. because using the bit error rate of the radio communication between the transmitter and the receiver would improve battery power by switching to the appropriate mode for communication in the remote control system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujii et al. (US# 5,379,033) disclose a remote control device.

Boschini (US# 5,600,323) discloses a telecontrol system with a plurality of functional ranges selected by detection threshold.

Robineau (US# 6,512,462) discloses a dual function radio frequency remote control system for a motor vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V. Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/N. V. N./
Examiner, Art Unit 2612

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612